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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,406	03/08/2004	Chad Aerts	3591-1347	9026
757 7590 07/26/2007 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER EDELL, JOSEPH F	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/796,406

Applicant(s)

AERTS, CHAD

Examiner

Joseph F. Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 24-39 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05/14/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 27 is objected to because of the following informalities: "enlarged edge" (line 2) should read --enlarged edge portion--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 20, 21, and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,526,912 to Swanson.

Swanson discloses a furniture component that includes all the limitations recited in claims 20, 21, and 24-27. Swanson shows a furniture component having a base element 1 (see Fig. 1) including a generally rounded edge portion 10 with a thickness greater than that of the base element, a securing member 21 with first and second arms and outer and inner surfaces, inwardly facing ridges (enlarged edges of the first and second arms) that engage the base element at the enlarged edge portion, and a piece of fabric 81 attached to an outer surface wherein the inner surface is disposed around an entirety of the edge portion, the first and second arms are disposed on opposite sides of the base element, the channel has an interior and a mouth, the interior has a

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width greater than the width of the mouth, and the width of the mouth is smaller than the thickness of the enlarged edge.

With respect to claim 24, the claim is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Swanson because Swanson teaches the furniture component that appears to be the same as, or an obvious variant of, the furniture component set forth in the product-by-process claim 24 although produced by a different process.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a).A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,723,816 to Selbert et al. in view of U.S. Patent No. 1,594,282 to Trimble.

Selbert et al. disclose a furniture component that is basically the same as that recited in claims 14, 16, and 17 except that the base element lacks an edge portion with a greater thickness than that of the base element, as recited in the claims. See Figure 4 of Selbert et al. for the teaching that the furniture component has a base element 28 with an edge portion, a securing member 24 with first and second arms 52,50 and first and second channels (first channel formed by arms 50,52 and second channel formed

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by arms 54), a fabric piece 18 disposed around an outer surface of the securing member and within the second channel, and a gripping member 56 of the securing member including a ridge extending inwardly toward the first arm wherein the edge portion being disposed in the first channel and the first and second arms on the opposite sides of the base element, and the gripping member and first arm define, at least in part, the second channel.

Trimble shows a furniture component similar to that of Selbert et al. wherein the base element 1 (see Fig. 1) has an edge portion 2 that has a thickness greater than a thickness of the base element. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the furniture component of Selbert et al. such that the edge portion has a thickness greater than a thickness of the base element, such as the furniture component disclosed by Trimble. One would have been motivated to make such a modification in view of the suggestion in Trimble that the enlarged edge portion of the base element provides a bead shaped to facilitate holding of a fabric piece.

6. Claims 1, 8, 9, 11-13, 15, 19-22, 24, 25, 29-31, 34, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selbert et al. in view of Trimble as applied to claims 14, 16, and 17 above, and further in view of U.S. Patent No. 6,478,381 B1 to Cramb, III et al.

Selbert et al. disclose a furniture component that is basically the same as that recited in claims 1, 8, 9, 11-13, 15, 19-22, 24, 25, 29-31, 34, and 36-39 except that the furniture component lacks a second securing member with first and second arms and

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the base element is not specified as forming part of a backrest, as recited in the claims. See Figure 3 of Selbert et al. for the teaching that the furniture component has a second member 47 wherein the entirety of the first securing member is disposed within the second member with the fabric piece 18 secured between the first securing member and second member and directly contacting the second member, and that the first member has a channel (formed by legs 54) with a portion of the fabric is inserted into the channel; and see column 1, line 56 for the teaching that the securing member is made of a thermoplastic material.

Cramb et al. show a furniture component similar to that of Selbert et al. wherein the component has a base element 34 (see Fig. 2), a fabric piece 40, and a securing member 48 with first and second arms and a channel therebetween such that the fabric piece is secured between the first and second arms of the securing member and directly contacting the securing member, the base element forms part of backrest of compliant material with a pattern of holes, and the securing member being made of a thermoplastic elastomer material. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the furniture component of Selbert et al. to include a second securing member with first and second arms and a second channel therebetween wherein an entirety of the first securing member is disposed within the second channel, with the first and second arms of the first securing member adjacent the respective first and second arms of the second securing member, with the fabric piece secured between the first arm of the first securing member and the first arm of the second securing member and directly

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contacting the second securing member, the base element forms part of backrest of compliant material with a pattern of holes, and the first and second securing members collectively forming a securing member having an inner layer made of thermoplastic material and an outer layer made of thermoplastic elastomer material, such as the furniture component disclosed by Cramb et al. One would have been motivated to make such a modification in view of the suggestion in Cramb et al. that the backrest with side bolsters and center elastomeric fabric reduces the weight of the vehicle seat.

With respect to claims 34 and 36-38, Selbert et al., as modified, lack only the specifically recited method steps. It would have been obvious, if not inherent, to one having ordinary skill in the pertinent art at the time the invention was made to attach the fabric to the furniture component/chair of Selbert et al., as modified, by the claimed method steps. Such a modification provides a conventional and efficient method of attaching the fabric to a furniture component/chair of Selbert et al., as modified.

7. Claims 2-4, 10, 32, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selbert et al., as modified, in view of Cramb et al. as applied to claims 1, 8, 9, 11-13, 15, 19-22, 25, 29-31, 34, and 36-39 above, and further in view of U.S. Patent No. 3,302,260 to Cuddeback.

Selbert et al., as modified, disclose a furniture component that is basically the same as that recited in claims 2-4, 10, 32, 33, and 35 except that the first securing member lacks a third channel and the second securing member lacks a ridge disposed in the third channel, as recited in the claims. Cuddeback shows a furniture component similar to that of Selbert et al. wherein the furniture component has a first member 35

(see Fig. 3) with a ridge 36, a second member 32 with a channel 37, a fabric piece 20 disposed around the first member, and the ridge disposed in the channel. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the furniture component of Selbert et al. such that the first securing member has first and second ridges, the second securing member has first and second ridges wherein the first and second ridges are disposed in the respective third and fourth channels, such as the furniture component disclosed by Cuddeback. One would have been motivated to make such a modification in view of the suggestion in Cuddeback that the ridge and channel configuration retains the first and second member in connection. With respect to the second ridge and fourth channel, one skilled in the art would have known to include additional ridges disposed in channels as the duplication of parts has no patentable significance.

8. Claims 5-7 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selbert et al., as modified in view of Cramb et al. as applied to claims 1, 8, 9, 11-13, 15, 19-22, 25, 29-31, 34, and 36-39 above, and further in view of U.S. Patent No. 3,423,775 to Cockerill.

Selbert et al., as modified, disclose a furniture component that is basically the same as that recited in claims 5-7 and 28 except that the first securing member lacks fasteners on opposite sides of the first channel, as recited in the claims. Cockerill shows a furniture component similar to that of Selbert et al. wherein the furniture component has a securing member (see Fig. 3) with a channel including a plurality of nail fasteners 17 on opposite sides of the channel. Therefore, it would have been

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obvious to one having ordinary skill in the art at the time the invention was made to further modify the furniture component of Selbert et al. such that the first securing member has a plurality of fasteners engaging the first securing member on opposite sides of the first channel wherein the fasteners are nails and correspond to spaced notches, such as the furniture component disclosed by Cockerill. One would have been motivated to make such a modification in view of the suggestion in Cockerill that the oppositely spaced fasteners bite onto both sides of the seat cover edge.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Selbert et al. in view of Trimble and as applied to claims 14, 16, and 17 above, and further in view of U.S. Patent No. 5,586,807 to Taggart.

Selbert et al., as modified, disclose a furniture component that is basically the same as that recited in claim 18 except that the first channel is not specified as opening in a direction different than that of the second channel, as recited in the claims. Taggart shows a furniture component similar to that of Selbert et al. wherein the furniture component has a first channel 120 (see Fig. 3) opening in a first direction and a second channel 136 opening in a second direction different from the first direction. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the furniture component of Selbert et al. such that the first channel opens in a first direction and the second channel opens in a second direction different from the first direction, such as the furniture component disclosed by Taggart. One would have been motivated to make such a modification in view of the suggestion

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in Taggart that the differently opening channels provide for retention of members disposed in different directions.

Allowable Subject Matter

10. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments with respect to claims 1-22 and 24-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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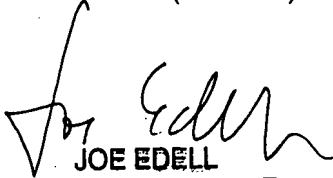
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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Joe Edell
July 23, 2007



JOE EDELL
PRIMARY EXAMINER